

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JOHN ABDO, JR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-23-00719-JD
	)	
OKLAHOMA CITY PAROLE OFFICE	)	
and J. PLEASANT, Officer,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff filed this prisoner civil rights action on August 14, 2023. [Doc. No. 1]. The Court referred this action to United States Magistrate Judge Shon T. Erwin under 28 U.S.C. § 636. [Doc. No. 4].

On August 17, 2023, Judge Erwin issued an Order to Plaintiff to Cure Deficiencies. [Doc. No. 5]. The Court's Order noted that the complaint was not on the proper form. *Id.* at 1. The Order also noted that Plaintiff had not paid the filing fee or filed an *in forma pauperis* motion with the required financial information and institutional trust fund account statement. *Id.* The Court ordered Plaintiff to cure these deficiencies by September 5, 2023. *Id.* at 2. Judge Erwin warned Plaintiff that his failure to comply with the Order may result in the dismissal of the action. *Id.*

When Plaintiff failed to comply with the Order of August 17, 2023, Judge Erwin issued a Report and Recommendation on September 19, 2023, recommending that the Court dismiss Plaintiff's action without prejudice for his failure to comply with the Court's Order. [Doc. No. 8]. Judge Erwin advised Plaintiff of his right to object to the

Report and Recommendation by October 6, 2023, and explained that his failure to timely object to the Report and Recommendation would waive appellate review of the factual and legal issues contained in the Report and Recommendation. *Id.* at 2. To date, Plaintiff has not filed an objection to the Report and Recommendation, or otherwise made any effort to prosecute this action.<sup>1</sup>

With no objection being filed, and concurring with Judge Erwin's findings and recommendations, the Court ACCEPTS the Report and Recommendation [Doc. No. 8]. For the reasons stated in the Report and Recommendation, the Court DISMISSES Plaintiff's action without prejudice. A separate judgment will follow.

IT IS SO ORDERED this 11th day of October 2023.



JODI W. DISHMAN  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The Court's record reflects that the Court's Order of August 17, 2023, and the Report and Recommendation of September 19, 2023, were mailed to Plaintiff at his provided address and returned to the Court as undeliverable. *See* [Doc. Nos. 7, 9]. However, Plaintiff is responsible for notifying the Court of any change of address, and "[p]apers sent by the court will be deemed delivered if sent to the last known address given to the court." LCvR5.4; *see* Fed. R. Civ. P. 5(b)(2)(C); *see also Theede v. U.S. Dep't of Labor*, 172 F.3d 1262, 1267 (10th Cir. 1999) ("The parties are far better situated to know of any errors in their address information, thus, they bear the burden of filing notice of a change of address . . . . The fact [the plaintiff] is acting pro se does not eliminate this burden.").